

REMARKS

The present communication is filed in response to the Official Action mailed November 10, 2008, finally rejecting all the claims presently pending in the application ("Final Rejection".) Of the pending claims, claims 1, 5, 9, 11, 13, and 15 are independent claims. All the other claims remaining in the application, namely claims 2-4, 6-8, 10, 12, 14, and 16 depend from one of the independent claims. Although a complete listing of the claims is included above, no amendments were made to the claims. Applicant respectfully submits that the claims are proper form for appeal.

Claims 1 and 5 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,552,901 to Kikuchi et al. ("Kikuchi").

Each of claims 1 and 5 include limitations drawn to inputting from a first medium a graphic code corresponding to first information, and further recite using "the first information as terminal identification information to establish communication through the network as a registered device."

Kikuchi, in contrast, relates to a facsimile server system including a server, a facsimile machine, and a client computer connected in a Local Area Network (LAN), where each client computer may communicate with the facsimile machines in the network. See Kikuchi, col.1 ll.7-12.

In its disclosure, Kikuchi provides description of how data is transmitted over the network. *Id.* at col.10 ll.27-39. Part of this process includes converting text data to image data. Nothing in this description even remotely relates to using "the first information as terminal identification information to establish communication through the network as a registered device" as recited in claim 1. Furthermore, no other disclosure in Kikuchi even arguably meets this limitation.

For at least the reasons discussed above, Applicants respectfully submit that claim 1 is patentable over Kikuchi. Accordingly, Applicants request that the rejection of claim 1 be withdrawn.

Claim 5 recites similar limitations to those of claim 1 discussed above. Therefore, for at least the reasons discussed above in connection with claim 1, Applicants submit that claim 5 is also patentable and request that its rejection be withdrawn.

Claims 9-16 were rejected under 35 U.S.C. § 102(b) as being anticipated by Japanese Publn. No. 2000-285056 to Kohei ("Kohei").

Independent claim 9 recites "each of the operating instructions corresponding to a first series of graphic codes" and "an input unit operable to input from a printed medium a selected one of the first series of graphic codes corresponding to one of the operating instructions." Claim 9 further recites, inputting "pieces of content corresponding to one of a second series of graphic codes" and inputting a selected code, so that an operating unit may "execute the one of the operating instructions with respect to the one of the pieces of content."

Kohei discloses an apparatus for viewing internet content relating to a particular advertisement. Specifically, a communication terminal is adapted to scan a barcode found on a printed advertisement. The barcode is comprised of several subcodes, including a start code, a media code, a site code, and a stop code. Kohei, [0028]. The start code instructs the terminal as to which type the barcode is (*i.e.*, a code for accessing a site). *Id.* The medium recognition code tells the terminal the number of characters in the media code, and also identifies the source on which the barcode is printed (*e.g.*, the medium recognition code may provide the journal title). *Id.*

The site code shows which site is accessed, and the stop code instructs the terminal that it has reached the end of the barcode. *Id.* Once the barcode is scanned by the mobile terminal, a wireless signal is sent to a base station, which is further connected to the internet, and the internet content may be provided to the communication terminal. *Kohei*, Fig. 1.

First, it is clear that *Kohei* fails to disclose "a first series of graphic codes" and a "second series of graphic codes" as recited in claim 9. Rather, *Kohei* merely discloses one code (*i.e.*, a barcode) with multiple subparts. Thus, at best, *Kohei* only discloses one series of codes.

Second, the Examiner appears to contend that the medium recognition code described in *Kohei* is equivalent to one of the "first series of graphic codes corresponding to one of the operating instructions" recited in claim 9. See 11/10/08 *Office Action*, p.4. The Examiner appears to further contend that the site code described in *Kohei* is equivalent to the "second series of graphic codes corresponding to one of the pieces of content" recited in claim 9. However, this is not possible based on the teachings of *Kohei*. *Kohei* makes clear that the medium recognition code is used to identify the source of an advertisement. This is far different from selecting a first graphic code corresponding to an operating instruction.

Third, *Kohei* fails to teach "an operating unit operable to execute the one of the operating instructions with respect to the one of the pieces of content" as recited in claim 9. Rather, *Kohei* merely teaches scanning the barcode to access a website identified in the barcode. There is no operating instruction to execute.

Accordingly, *Kohei* does not disclose scanning codes which correspond to operating instructions. Further, *Kohei* does

not contemplate using such scanned codes in connection with any other scanned codes.

For at least these reasons, Applicant respectfully submits that claim 9 is patentable over Kohei, and thus requests that the rejection of claim 9 be withdrawn. Because claim 10 depends from and therefore includes all the limitations of claim 9, Applicant respectfully requests that the rejection of claim 10 also be withdrawn.

Claim 11 recites similar limitations to those of claim 9. Accordingly, for at least the reasons discussed above in connection with claim 9, Applicant respectfully submits that claim 11 is patentable. Accordingly, Applicant respectfully requests that the rejection of claim 1, along with the rejection of claim 12 which depends from and includes the limitations of claim 11, be withdrawn.

Claim 13 recites "a communication unit operable to use the first information as terminal identification information to establish communication with the server." Kohei fails to teach this limitation. In support of the rejection, the Examiner points to disclosure in Kohei which states:

"It is having made it transmit also about the media code which read the control means to the site code and coincidence in invention which was indicated to claim 7 according to the communication terminal indicated to claim 9 at the time of transmission of a site code, and the means read, transmission of a media code is also performed simultaneous at the time of transmission of a site code." 11/10/08 Office Action, p.8 (citing Kohei ¶ [0065]).

This paragraph merely states that media code and the site code are transmitted at the same time. It certainly cannot be interpreted as disclosing using the first information as terminal identification information to establish communication with a server.

Accordingly, Applicants respectfully submit that claim 3 is patentable over Kohei. Moreover, because claim 14 depends from claim 13 and thus includes all the limitations of claim 13, Applicants respectfully submit that claim 14 is also patentable. Therefore, Applicants request that the rejections of claims 13-14 be withdrawn.

Similar to claim 13, claim 15 recites:

"transmitting the content information and the terminal identification information from the terminal device to the storage unit;

retrieving the selected piece of content based on the content information; and

transmitting the selected piece of content from the storage unit to the terminal device based on the terminal identification information."

Kohei makes no mention of using terminal identification information. Thus, Applicants respectfully submit that claim 15 is patentable over Kohei. For at least the reason that claim 16 depends from and includes the limitations of claim 15, Applicants further submit that claim 16 is also patentable. Thus, Applicants request that the rejections of claims 15-16 be withdrawn.

Claims 2-4 and 6-8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kikuchi in view of Kohei.

Each of claims 2-4 and 6-8 depend from one of claims 1 and 5, discussed above. Therefore, each of claims 2-4 and 6-8 includes all the limitations of either claim 1 or claim 5. Thus, Applicants respectfully submit that claims 2-4 and 6-8 are patentable over Kikuchi for at least the reasons discussed above in connection with claims 1 and 5. Moreover, Kohei fails to cure the deficiencies of Kikuchi.

Thus, Applicants respectfully submit that claims 2-4 and 6-8 are patentable over Kikuchi and Kohei, taken alone or in combination. Accordingly, Applicants respectfully request that the rejections of claims 2-4 and 6-8 be withdrawn.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By 

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